

Equal Employment Opportunity Program Anti-Harassment Policy

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POLICY

The Air Resources Board (ARB) is committed to creating a positive, harassment-free work environment for all employees. ARB will not tolerate behaviors of a harassing nature, including sexual harassment, in the workplace. Incidents of harassment by employees, managers, contractors, vendors, or customers should be reported promptly as outlined in this policy. Acts of reprisal against individuals reporting possible harassment are prohibited. Persons determined to have committed an act of harassment or reprisal are subject to disciplinary action.

Employees are expected to adhere to a standard of conduct that is professional and respectful of all persons in the work environment and to ensure that ARB is a workplace free from harassment in compliance with state and federal laws and guidelines.

AUTHORITY

Workplace harassment based on race, color, sex (including sexual harassment, pregnancy, and transgender) religious or political affiliation, national or ethnic origin, ancestry, age, marital status, sexual orientation, medical condition, physical or mental disability is illegal. It violates the provisions of Title VII of the Civil Rights Act, Government Code, Section 12940, this policy and other relevant statutes. It is also illegal to retaliate against anyone for reporting workplace harassment.

DEFINITIONS

Sexual Harassment - Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile or offensive work environment.

Quid Pro Quo Harassment - Unwelcome conduct on the basis of an employee's sex that affects a term or condition of employment. This is most commonly known as the demand for sexual favors in exchange for a job benefit. "Quid pro quo" means "this for that" and refers to harassment committed by a supervisor or an individual who has the power to confer or withhold a tangible employment benefit.

Hostile Environment Harassment - This occurs when an employee is subjected to unwelcome conduct based on race, color, sex (includes sexual harassment, pregnancy, and transgender), religious or political affiliation, national or ethnic origin, ancestry, age, marital status, sexual orientation, medical condition, physical or mental disability and/or retaliation that is sufficiently pervasive or severe to alter the terms or conditions of the victim's employment and to create an abusive or hostile work environment.

Unwelcome - Unsolicited conduct that an individual regards as undesirable or offensive.

FACTS ABOUT SEXUAL HARASSMENT

- The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.
- The harasser can be the victim's supervisor, an agent of the employer (such as a contract employee), a supervisor in another area, a co-worker, or someone who does not work for ARB.
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to the victim. Harassment does not need to involve the victim being fired, denied a promotion or otherwise penalized to be actionable.
- The harasser's conduct must be unwelcome.

TYPES OF SEXUAL HARASSMENT

Sexual harassment can occur in a variety of circumstances, including, but not limited to, the following:

Written Conduct: Sexually suggestive, offensive and/or obscene electronic mail messages, letters, notes, invitations, books or magazines.

Visual Conduct: Leering, making sexual gestures, displaying sexually suggestive pictures, calendars, objects, cartoons or posters.

Verbal Conduct: Making or using derogatory comments, epithets, slurs and/or jokes of a sexual nature, verbal sexual advances or propositions, verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body or sexually degrading words used to describe an individual.

Physical Conduct: Touching, assaulting, impeding or blocking an individual's movement or invading one's personal space.

FACTS ABOUT HOSTILE WORK ENVIRONMENT HARASSMENT

- A hostile environment can be created by anyone in the work environment, whether a supervisor, another employee, or even a customer, visitor or vendor.
- It can occur in the office, at field worksites, on workplace premises or on the way to and from worksites.

AIR RESOURCES BOARD RESPONSIBILITY

Prevention is the best tool to eliminate harassment in the workplace. ARB's anti-harassment policy shall be accessible to all employees and communicated continually. All employees including supervisors and managers shall receive sexual harassment awareness training every two years commencing January 2005. Newly appointed supervisors will be trained within six months of their appointment.

ARB will take prompt and appropriate action to avoid or minimize incidents of harassment and to provide employees with a harassment-free work environment. ARB is committed to preventive measures so that harassment does not occur. ARB will take appropriate disciplinary action against anyone found to be in violation of this policy.

EMPLOYEE RESPONSIBILITY

Every employee has the right to be treated with respect and to work in an environment free from harassment or coercion. An employee who perceives comments, gestures or actions of another to be offensive is strongly encouraged to communicate to that person that such behavior is unwelcome. However, failure to do so does not prevent the employee from filing a complaint with an EEO Counselor or EEO Officer, nor does it exonerate the harasser.

RESPONSIBILITY OF ANY EMPLOYEE WHO WITNESSES UNPROFESSIONAL BEHAVIOR

Any employee who witnesses inappropriate or unprofessional behavior has a responsibility to report it to his/her supervisor. However, if his/her supervisor is the individual exhibiting the behavior, the employee may report it to another supervisor, an EEO Counselor or EEO Officer.

SUPERVISOR RESPONSIBILITY

It is critical for supervisors/managers to know ARB's anti-harassment policy and related procedures for handling complaints. Knowledge of the various laws and regulations prohibiting harassment in the workplace is essential.

Supervisors/managers are required by law to take immediate and appropriate action when they know or should have known of incidents of harassment even if the employee does not want to pursue filing a complaint or elevate the matter. Immediate and appropriate action includes, but is not limited to:

1. Being visible in the workplace.
2. Proceeding with the following steps upon receipt of a harassment complaint:
 - Calming the individual, if necessary.
 - Assuring the individual that the matter is being taken seriously.

- Maintaining objectivity.
 - Informing the individual of the next steps and when he/she will be contacted again.
 - Assuring the individual that everything possible will be done to prevent any reprisals against him/her and that the situation will be monitored closely to insure this.
 - Offering the individual the Employee Assistance Program resource, if appropriate.
 - Documenting and dating discussions with the individual.
 - Immediately contacting the EEO Officer upon receiving a complaint of harassment.
 - Maintaining confidentiality and continuing to document essential facts as they arise.
3. Monitoring the work area to deter harassment from recurring.

COMPLAINT PROCESS

The harassment complaint process is covered in detail in the EEO complaint procedure.